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April 15, 1948

Memorandum No. 5

To All Executive Departments and Agencies

Subject: Adjudication of Loyalty Cases of Applicants  
for Positions Excepted from the Competitive Service

The adjudication of loyalty cases of persons who are applicants for positions excepted from the competitive service is a responsibility of the department or agency which is considering such persons for employment.

In such cases, when initial consideration by an agency loyalty board of reports of investigation indicates that refusal of employment may be warranted, the same procedure shall be followed as in cases involving incumbent and excepted employees, except that an interrogatory shall be sent to the applicant in place of a notice of proposed removal action.

The interrogatory and covering letter shall state:

- (1) The nature of the evidence against the applicant in factual detail, setting forth with particularity the facts and circumstances so far as security considerations permit in order to enable the applicant or appointee to submit his answer, defense or explanation.
- (2) His right to reply to the interrogatory in writing, under oath or affirmation, within ten (10) calendar days of the date of receipt by him of the interrogatory.
- (3) His right to have an administrative hearing on the issues before the agency loyalty board, upon his request.
- (4) His right to appear before such board personally, to be represented by counsel or representative of his own choosing, and to present evidence in his behalf.

Document No. /  
Review of this document by CIA has  
determined that

CIA has no objection to declass  
 It contains information of CIA  
interest that must remain  
classified at TS S C

Authority: HR 10-2

It contains nothing of CIA interest

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In the event of an adverse determination, the applicant shall be informed of his right to appeal to the head of the agency and, if the head of the agency decides adversely, to the Loyalty Review Board.

The Directives to the Departments and Agencies are being amended to include the foregoing procedure, which will be printed in the Federal Register and Chapter Z-1 of the Federal Personnel Manual.

sgd

Seth W. Richardson  
Chairman  
Loyalty Review Board